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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/510,828 02/23/00 HEMBREE

D MIO-0020-VA/

EXAMINER

023368 MM91/0207  
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MITCHELL, J

ART UNIT

PAPER NUMBER

2822

DATE MAILED:

02/07/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/510,828

Applicant(s)

HEMBREE ET AL.

Examiner

James Mitchell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 day MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 23 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-71 and 73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims 29-71,73 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Restrictions*

This application contains claims directed to the following patentably distinct species of the claimed invention:

Group 1. Spring element with elastomeric member and conductive member

Group 2. Spring element with elastomeric member and conductive member being conductive particles

Group 3. Spring element with elastomeric member and conductive member being conductive particles interspersed with first elastic member

Group 4. Spring element with elastomeric member and conductive member being conductive layer over first elastic member

Group 5. Spring element with elastomeric member and conductive member being conductive threads

Group 6. Spring element with elastomeric member and conductive member being conductive threads comprising non-conductive threads having conductive coating

Group 7. Spring element with elastomeric member and conductive member being conductive thread forming cover around first elastic member

Group 8. Conductive thread and elastic material forming covering over Spring element. Spring element mechanically coupled to cover of attaching device.

Group 9. Spring element with first elastic member with first modulus of elasticity and holes formed therein

Group 10. Spring element with second elastic member positioned in holes of first elastic member. Conductive member comprising particles.

Group 11. Spring element with second elastic member positioned in holes of first elastic member. Conductive member comprising layer over first elastic member.

Group 12. Spring element with second elastic member positioned in holes of first elastic member. Conductive member comprising conductive threads

Group 13. Spring element with hole in elastic member

Group 14. Spring element with hole in elastic member and conductive member comprising conductive particles

Group 15. Spring element with hole in elastic member and conductive layer formed over first elastic member

Group 16. Spring element with hole in elastic member and conductive member comprising conductive threads

Group 17. Spring element with second elastomeric material positioned within first elastic member

Group 18. Spring element with second elastomeric material positioned within first elastic member wherein conductive member is particles

Group 19. Spring element with second elastomeric material positioned within first elastic member with conductive layer over first elastic

Group 20. Spring element with second elastomeric material positioned within first elastic member with conductive threads

Group 21. Spring element with interwoven threads and conductive member

Group 22. Spring element with interwoven threads and conductive member comprising particles

Group 23 Spring element with interwoven threads and conductive member comprising layer

Group 24. Spring element with conductive threads interwoven with interwoven threads

Group 25. Spring element with elastic member having cavity

Group 26. Spring element with elastic member having cavity with particles

Group 27. Spring element with elastic member having cavity with conductive layer

Group 28. Spring element with elastic member having cavity with conductive threads

Group 29. Spring element with variable spring constant

Group 30. Spring element with variable spring constant with particles

Group 31. Spring element with variable spring constant with layer over first elastic member

Group 32. Spring element with variable spring constant with conductive threads

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, groups 1,2,4 and 5 are generic.

Group 1 is generic to groups 2-32; Group 2 is generic to groups 3,10,14,18,22,26,30; Group 4 is generic to groups 11,19,23,27,31; Group 5 is generic to groups 7,8,12,16,20,24,28,32

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). Applicant is reminded that upon the cancellation of claims to

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a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mitchell whose telephone number is (703) 305-0244. The examiner can normally be reached on M-F 10:30-8:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead II can be reached on (703) 308-4083. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3230 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

jmm  
January 23, 2001



**Stephen D. Meier**  
Primary Examiner